

FILED

NOV 16 2017

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY CS DEPUTY

Mark Grimes
Register #43625-380
FMC Ft. Worth
P.O. Box 15330
Fort Worth, TX 76119-5996

United States District Court
Western District of Texas

MARK GRIMES

Movant,

vs.

Criminal Case: 5:14-cr-790

UNITED STATES OF AMERICA
Respondent.

//

MOTION FOR AN EXTENSION OF TIME
TO FILE NOTICE OF APPEAL FROM/DUE
TO EXCUSABLE NEGLECT

COMES NOW, Movant, appearing pro se, and does moves this Honorable Court, pursuant to FRCrP Rule 6 and FRAP Rules 3 and 4, to GRANT him an extension of time to file a notice of appeal to excusable neglect...not to exceed 30 days to date of this request - due to circumstances beyond his control.

In support of this, Movant avers the following:

1. Movant has an inalienable right to effective criminal representation up to prosecuting a direct appeal under the Sixth Amendment, whether counsel is retained or not.
2. Movant has discussed appealable options juxtaposition the categorical waivers outlined and signed to within the conditional

plea agreement.

3. Movant was sentenced with the expectation that his mouthpiece would continue advocating in his defense up to and through to the direct appeal; that mouthpiece had presented a notice of appeal to this district court within 10 days time; and that he'd perfected an appeal for review.

4. Movant has since learned that his mouthpiece has not only failed to do as discussed, but also has closed this case load of attorney-client privilege.

5. Due to circumstances beyond his control, Movant has been abandoned via ineffective assistance of counsel (denied due process of law) and left holding the bag to self-representation.

WHEREFORE, Movant prays for an Order from this court (post evidentiary hearing, perhaps) granting him an extension of time for 30 days henceforth, accepting the notice of appeal in tow of this motion, due to excusable neglect.

Executed on this 13th day of November, 2017.

RESPECTFULLY



CERTIFICATE OF SERVICE

I do hereby certify that I did send through the inmate legal mail system, a true and correct Motion for an extension of Time..., to the clerk of the court, to the address listed below, on this 7th day of November, 2017, postage prepaid:

Clerk, U.S. District Court
For The Western District of Texas
John H. Wood, Jr. U.S. Courthouse
655 East Durango Boulevard, Room G-65
San Antonio, TX 78206

